

Excerpts
Planning Commission Minutes
October 10, 2001

Application No. UP-584-01, Robert and Sheri Mann: Request for a special use permit, pursuant to Section 24.1-306 of the York County Zoning Ordinance (category 1, number 6), to authorize the expansion of an existing accessory structure, in conjunction with a single-family dwelling, for the purpose of operating a bed and breakfast establishment. In the event that the bed and breakfast special use permit is denied, the applicant requests a special use permit pursuant to section 24.1-407(c) to authorize the expansion of the structure, in conjunction with a single-family dwelling, for the purpose of establishing a one-bedroom accessory apartment for use by family and guests.

Ms. Olivia Wilkinson made a presentation summarizing the staff report to the Commission dated October 1, 2001. She noted the applicant's desire for and staff's recommendation of approval of a bed and breakfast. In the event, however, that the Commission does not recommend approval of a bed and breakfast establishment, the applicant has requested approval of an accessory apartment, which also would merit staff approval.

Mr. Hendricks asked if the application satisfies requirements for a bed and breakfast, and Ms. Wilkinson responded that it does. Mr. Simasek wanted to know if the finish of the accessory building would be consistent with that of the main dwelling and Ms. Wilkinson replied that it would.

Chair Semmes opened the public hearing.

Mr. Robert Mann, 121 Lafayette Road, spoke for approval of his application for a bed and breakfast facility as a home occupation. He proposed a two-suite establishment with off-street parking on a gravel driveway. Mr. Mann thought it would fit well within the context of the neighborhood. Mr. Greg Brezinski is the architect and designer of the accessory structure, he said, and the design complements the Dutch Colonial design of the main dwelling and other homes in the neighborhood. Mr. Mann said he felt the gregarious nature shared by him and Mrs. Mann would contribute to their success as innkeepers. He added that the majority of their neighbors are very supportive of their proposal for a bed and breakfast.

Mr. Heavner inquired about plans for advertising the bed and breakfast. Mr. Mann said he would likely confine advertising to regional publications that focus on historic travel. He added that, while the proposed conditions allow signage, he does not intend to use any sign for advertising.

Mr. Clemans A. Powell, 117 Lafayette Road, was strongly opposed to a bed and breakfast. He saw no potential benefit to the neighborhood and thought it could be a detriment, noting the roads are very narrow lanes and additional traffic would endanger children and other residents. He thought the business would depreciate property values and set a precedent for establishing other such businesses in Yorktown. Mr. Powell was also opposed to the use of the accessory structure as a guest cottage.

because it could evolve into a bed and breakfast or a rental unit. He said the former owners of the property had applied many years ago to get approval for a bathroom in the accessory structure so they could use it as a guest cottage, and were denied.

Chair Semmes closed the public hearing.

Mr. Semmes inquired if public water and sewer are provided to the property and, if so, if the sewer size would accommodate an additional structure. Ms. Wilkinson said the property is served by public water and sewer and during plan review the County and Health Department staffs would determine if a bathroom could be added.

Responding to Mr. Beil, Ms. Wilkinson said the two units would not have separate utility meters.

Mr. Semmes asked the Commission to include both options, the bed and breakfast and accessory apartment, in its discussions and recommendations to the Board of Supervisors.

Mr. Hendricks said he was not opposed to an accessory detached apartment.

Mr. Simasek noted that the County has committed a large amount of resources to identifying Yorktown as a tourist area, and depends on tax revenues generated by tourism. He thought the atmosphere of Yorktown is more suitable for a bed and breakfast than for a motel. He supported approval of a bed and breakfast.

Mr. Hendricks asked if the parcel is located in the Yorktown Historic District; Ms. Wilkinson said it is not.

Mr. Semmes agreed with Mr. Simasek and would recommend a bed and breakfast because of its compatibility with the neighborhood and that the number of people occupying two rooms and their traffic should not cause a negative impact. He would be less supportive of an accessory apartment, he said, partly because of the potential to convert it to a rental unit.

Ms. White was supportive of a bed and breakfast but was not sure she could support the alternative request for an accessory apartment.

Mr. Shepperd asked how the bed and breakfast would differ from an accessory apartment, and Ms. Wilkinson noted the condition in proposed Resolution PC01-31 limiting occupancy to overnight guests. Mr. Carter added that, while the County has no absolute guidelines for how many days a bed and breakfast unit can be rented, routine conditions imposed for accessory apartments prevent their being rented out and restrict their use to family members, thereby precluding their use as bed and breakfast businesses.

Mr. Simasek moved the adoption of Resolution PC01-31 recommending approval of a bed and breakfast, and it was adopted 6:1 (Mr. Hendricks opposing). It reads:

PC01-31

On motion of Mr. Simasek, which carried 6:1, the following resolution was adopted:

**A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE
PERMIT TO AUTHORIZE A BED AND BREAKFAST INN AT 121
LAFAYETTE ROAD**

WHEREAS, Robert and Sheri Mann have submitted Application No. UP-584-01 to request a special use permit, pursuant to Section 24.1-306 of the York County Zoning Ordinance (category 1, number 6) to authorize the expansion of an existing accessory structure in conjunction with a single-family dwelling, for the purpose of operating a bed and breakfast establishment located at 121 Lafayette Road and further identified as Assessor's Parcel No. 19A-(1)-F-12; and

WHEREAS, said application has been referred to the York County Planning Commission; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application in accordance with applicable procedure; and

WHEREAS, the Commission has given careful consideration to the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 10th day of October, 2001, that Application No. UP-584-01 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize a Special Use Permit, pursuant to Section 24.1-306 (category 1, number 6) of the York County Zoning Ordinance, subject to the following conditions:

1. This use permit shall authorize the expansion of an existing accessory structure in conjunction with a single-family dwelling, for the purpose of operating a two-suite bed and breakfast establishment on property located at 121 Lafayette Road and further identified as Assessor's Parcel No. 19A-(1)-F-12. Rental of rooms shall be limited to overnight guests as opposed to long-term boarders. The owner's living quarters in the principal dwelling shall be the only dwelling unit permitted on the property.
2. The owner/operator of the bed and breakfast establishment shall reside on the premises and maintain the property primarily as a single-family residence with the bed and breakfast operation constituting an accessory use.
3. A site plan and building plans, prepared in accordance with Article V of the York County Zoning Ordinance and the BOCA Building Code and in substantial conformance with the sketch plans and elevations submitted by the applicant shall be submitted to and approved by the York County

Department of Environmental and Developmental Services prior to the establishment of the bed and breakfast operation. The plan shall describe the interior of the building in sufficient detail to determine compliance with parking, health, and building code requirements. In addition, all existing and proposed off-street parking areas shall be identified and installed according to specifications outlined in Article VI of the York County Zoning Ordinance. No off-site parking provisions will be allowed.

4. One (1) freestanding, non-illuminated sign, not exceeding four (4) square feet in area, shall be permitted to identify the use.
5. The proposed use shall be connected to public water and sanitary sewer service.
6. The maximum occupancy of the bed and breakfast establishment shall be six (6) persons if operated as a two (2) suite facility.
7. Retail sales on the premises shall not be permitted.
8. All conditions listed in Section 24.1-409 of the Zoning Ordinance shall be observed.
9. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

Mr. Hendricks then moved to adopt Resolution PC01-32 recommending approval of an accessory apartment. It was defeated 3:4 (Yes: Heavner, Hendricks, Simasek. No: White, Shepperd, Beil, Semmes).